Previously, claims 1-5 and 17-18 were subjected to a restriction requirement. Claims 6, 11-12, 16 and 19-20 were rejected as being unpatentable over U.S. Patent No. 5,801,747 to Bedard ["Bedard"]. Claims 7-10, 13-15 and 21-24 were rejected as being unpatentable over Bedard in view of U.S. Patent No. 5,774,666 to Portuesi ["Portuesi"].

In response to the restriction requirement, applicants have cancelled claims 1-5 and 17-18. Claim 9 has been cancelled and rewritten in independent form as claim 29, with some modifications. Applicants respectfully add claims 25-28 depending from claim 6.

1) **Claims 6-8, 11-15 and 25-28**

Claim 6, as amended, recites "displaying ... an icon ... indicating the availability of associated auxiliary data" and "responsive to a signal from a viewer during the displaying the icon, displaying a control panel operable to cause display of the auxiliary data associated with the icon." According to the invention of claim 6, a screen displays a television signal. Along with the television signal, the screen then displays an icon that indicates the availability of associated auxiliary data. During the display of the icon, when a viewer signals, a control panel is displayed. The control panel is operable to cause display of the auxiliary data associated with the icon. With this *multi-stage combination* of displaying an icon and responsively displaying a control panel, the control panel does not obstruct the displayed television signal until the viewer gives a signal. At that point, the control panel lets the viewer cause display of the auxiliary data. (See Application, Figures 5, 7, 9; page 4, lines 4-9; page 15, line 15 – page 17, line 20; and elsewhere.)

The cited prior art, taken separately or in combination, does not teach or suggest these limitations. Bedard describes displaying "a small icon" whenever something of interest is available from the Internet [Bedard, 8:64-67], but does not describe how to cause display of the material associated with the icon. Bedard describes an electronic program guide ["EPG"] that allows a viewer to switch between television

channels [See Bedard, Figure 5, 7:28-64]. Bedard does not teach or suggest, however, that the EPG is used to cause display of material associated with the icon or that the EPG is displayed in response to a signal from a viewer during display of the icon. Thus, Bedard does not teach or suggest "responsive to a signal from a viewer during the displaying the icon, displaying a control panel operable to cause display of the auxiliary data associated with the icon," as recited in claim 6.

Portuesi, in turn, describes a system and method for displaying a URL embedded in a medium such as a video. [Portuesi, Abstract; 2:15-38; 5:13-31.] In Portuesi, a display 12 includes a display window 28, a hypertext link 32 or hot spot 40, a caption 34, and a URL window 30. [Portuesi, Figures 3 and 4, 5:59-6:31.] Using a pointing device 14, a user selects and activates a URL *directly* from the display 12 that includes the hypertext link 32 or hot spot 40, the caption 34, and the URL window 30. [See Portuesi, 5:28-31; 6:17-19.] This does not teach or suggest, and in fact leads away from, "responsive to a signal from a viewer during the displaying the icon, displaying a control panel operable to cause display of the auxiliary data associated with the icon," as recited in claim 6.

In view of the foregoing amendment and discussion of claim 6, the merits of the separate patentability of claims 7-8, 11-15 and 25-28 are not belabored at this point.

Claims 6-8, 11-15 and 25-28 should be allowable. Such action is respectfully requested.

2) **Claim 16**

Claim 16, as amended, recites "displaying ... an icon" and "in response to user selection of said icon, displaying a control panel operable to cause display of additional information relating to the subject of said advertising message." According to the invention of claim 16, a screen displays a televised advertising message. Along with the televised advertising message, the screen then displays an icon. In response to user selection of the icon, a control panel is displayed. The control panel is operable to cause display of additional information relating to the subject of the advertising message. With this *multi-stage*

combination of displaying an icon and responsively displaying a control panel, the control panel does not obstruct the displayed televised advertising message until the viewer selects the icon. At that point, the control panel lets the viewer cause display of the additional information. (See Application, Figures 5, 7, 9; page 4, lines 4-9; page 15, line 15 – page 17, line 20; and elsewhere.)

The cited prior art, taken separately or in combination, does not teach or suggest these limitations. Bedard describes displaying "a small icon" whenever something of interest is available from the Internet [Bedard, 8:64-67], but does not describe how to cause display of the material associated with the icon. Bedard describes an EPG that allows a viewer to switch between television channels [See Bedard, Figure 5, 7:28-64]. Bedard does not teach or suggest, however, that the EPG is used to cause display of material associated with the icon or that the EPG is displayed in response to viewer selection of the icon. Thus, Bedard does not teach or suggest "in response to user selection of said icon, displaying a control panel operable to cause display of additional information relating to the subject of said advertising message," as recited in claim 16.

Portuesi, in turn, describes a system and method for displaying a URL embedded in a medium such as a video. [Portuesi, Abstract; 2:15-38; 5:13-31.] In Portuesi, a display 12 includes a display window 28, a hypertext link 32 or hot spot 40, a caption 34, and a URL window 30. [Portuesi, Figures 3 and 4, 5:59-6:31.] Using a pointing device 14, a user selects and activates a URL *directly* from the display 12 that includes the hypertext link 32 or hot spot 40, the caption 34, and the URL window 30. [See Portuesi, 5:28-31; 6:17-19.] This does not teach or suggest, and in fact leads away from, "in response to user selection of said icon, displaying a control panel operable to cause display of additional information relating to the subject of said advertising message," as recited in claim 16.

Claim 16 should be allowable. Such action is respectfully requested.

3) Claims 19 and 20

Claim 19 recites, "wherein the user interface is translucent, so the television programming can be viewed through the superimposed user interface." According to the invention of claim 19, a user interface is superimposed over television programming. The user interface is translucent, so the television programming can be viewed through the superimposed user interface. (See Application, Figure 9; page 4, lines 26-29; page 16, lines 27-30; and elsewhere.)

With respect to claim 19, the Examiner writes, "one of ordinary skill would readily recognize that Bedard would superimposed the small icon on the television screen in order to not inhibit the viewer's television program." [Office Action of April 26, 2000, page 8, paragraph 17.] Displaying a *small* icon does not teach or suggest a *translucent* user interface. Elsewhere, in fact, Bedard shows an EPG that is opaque. [See Bedard, Figure 5.]

In view of the foregoing discussion of claim 19, the merits of the separate patentability of claim 20 are not belabored at this point.

Claims 19 and 20 should be allowable. Such action is respectfully requested.

4) Claims 21, 22 and 24

Claim 21, as amended, recites:

"(b) alerting a viewer to the availability of a page of supplementary data...;

...

(d) responsive to said indication of viewer interest, displaying a control panel that includes textual data related to said page of supplementary data, the control panel permitting the viewer to signal further interest in viewing the supplementary data;

...

(f) responsive to said further indication of viewer interest, displaying said page of supplementary data."

According to the invention of claim 21, a screen displays television programming. A viewer is then alerted to the availability of a page of supplementary data associated with the television programming. Responsive to an indication of viewer interest, a control panel is displayed that includes textual data related to the page of supplementary data. The control panel permits the viewer to signal further interest in viewing the supplementary data. Responsive to such a further indication of viewer interest, the page of supplementary data is displayed. With this *multi-stage combination* of alerting a viewer, responsively displaying a control panel, and responsively displaying a page of supplementary data, the control panel does not obstruct the displayed television programming until the viewer gives a signal. At that point, the control panel appears allowing the viewer to decide whether to display the page of supplementary data. (See Application, Figures 5, 7, 9; page 4, lines 4-9; page 15, line 15 – page 17, line 20; and elsewhere.)

The cited prior art, taken separately or in combination, does not teach or suggest these limitations. Bedard describes displaying "a small icon" whenever something of interest is available from the Internet [Bedard, 8:64-67], but does not describe how to cause display of the material associated with the icon. Bedard describes an EPG that allows a viewer to switch between television channels [See Bedard, Figure 5, 7:28-64]. Bedard does not teach or suggest, however, that the EPG is displayed responsive to an indication of viewer interest or that the EPG permits the viewer to signal further interest in viewing the supplementary data. Thus, Bedard does not teach or suggest "responsive to said indication of viewer interest, displaying a control panel that includes textual data related to said page of supplementary data, the control panel permitting the viewer to signal further interest in viewing the supplementary data," and "responsive to said further indication of viewer interest, displaying said page of supplementary data," as recited in claim 21.

Portuesi, in turn, describes a system and method for displaying a URL embedded in a medium such as a video. [Portuesi, Abstract; 2:15-38; 5:13-31.] In Portuesi, a display 12 includes a display window 28, a hypertext link 32 or hot spot 40, a caption 34, and a URL window 30. [Portuesi, Figures 3 and 4, 5:59-6:31.] Using a pointing device 14, a user selects and activates a URL *directly* from the display 12 that includes the hypertext link 32 or hot spot 40, the caption 34, and the URL window 30. [See Portuesi, 5:28-31; 6:17-19.] This does not teach or suggest, and in fact leads away from, "responsive to said indication of viewer interest, displaying a control panel that includes textual data related to said page of supplementary data, the control panel permitting the viewer to signal further interest in viewing the supplementary data," and "responsive to said further indication of viewer interest, displaying said page of supplementary data," as recited in claim 21.

In view of the foregoing amendment and discussion of claim 21, the merits of the separate patentability of claims 22 and 24 are not belabored at this point.

Claims 21, 22 and 24 should be allowable. Such action is respectfully requested.

5) **Claims 25-28**

Applicants respectfully add claims 25-28 depending from claim 6. Claim 25 is directed to the compiling a log that includes data identifying the auxiliary data, so a viewer can later select auxiliary data from the log for display. (See Application, page 5, lines 13-20; page 18, lines 1-19; and elsewhere.) Claim 26 is directed to the case where the log stores additional information about the television signal. (See Application, page 5, lines 13-20; page 18, lines 1-19; and elsewhere.) Claim 27 is directed to the case where responsive to a second signal from the viewer during the display of the control panel, the display of the control panel ends. (See Application, Figure 9; page 4, line 18 – page 5, line 3; page 17, lines 14-30; and elsewhere.) Claim 28 is directed to the case where the control panel includes two graphical controls, one for causing display of the auxiliary data and the other for ending the display of the

control panel. (See Application, Figure 9; page 4, line 18 – page 5, line 3; page 17, lines 14-30; and elsewhere.)

Claims 25-28 should be allowable. Such action is respectfully requested.

6) Claims 29 and 10

Applicants have rewritten claim 9 in independent form as claim 29, with some modifications. Claim 29 recites "displaying with the displayed television signal an icon, the icon indicating the availability of associated auxiliary data, wherein the television signal includes the conveyed data M different times during a program, but the displaying the icon occurs only N times, and wherein N is less than M, whereby a viewer of the television signal is not unduly disrupted by repeated display of the icon during the program." According to claim 29, based upon data conveyed in a television signal, an icon is displayed. The icon is displayed, however, fewer times than the television signal includes the conveyed data during a program. Thus, a viewer who has watched from the start of a program is not unduly disrupted by repeated display of the icon, but the icon is displayed to a viewer who tunes in after the start. (See Application, page 16, lines 8-15; and elsewhere.)

The cited prior art, taken separately or in combination, fails to teach or suggest this limitation. With respect to claim 9, the Examiner writes, "Portuesi teaches a method of displaying an icon for a predetermined time it would have been obvious for one of ordinary skill that Portuesi would also teach a code to implement the method." [Office Action of April 26, 2000, page 6, paragraph 14.] Even assuming for the sake of argument that Portuesi teaches a method of displaying an icon for a predetermined time, that does not teach or suggest "wherein the television signal includes the conveyed data M different times during a program, but the displaying the icon occurs only N times, and wherein N is less than M," as recited in claim 29.

Claims 29 and 10 should be allowable. Such action is respectfully requested.

CONCLUSION

Claims 6-8, 10-16, 19-22 and 24-29 should be allowable. Such action is respectfully requested.

REQUEST FOR INTERVIEW

If the Examiner finds that the amendment does not make the application allowable over the cited art, the Examiner is formally requested to contact the undersigned attorney at (503) 226-7391 prior to issuance of the next communication in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application will allow the application to be passed to issue. Applicant submits the foregoing remarks so that the Examiner may fully evaluate Applicant's position, thereby enabling the interview to be more productive.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Respectfully submitted,

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By 

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